IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
No: 1:16-CV-00010-GCM

Melissa PRICE,

        Plaintiff,

v.

Nancy A. BERRYHILL,
Acting Commissioner of Social Se-
curity,

        Defendant.

ORDER

THIS MATTER is before the Court on Plaintiff's Consent Motion for Attorney's

Fees. (Doc. No. 24). This Court remanded this case to Defendant Acting Commissioner

for further administrative proceedings on September 14, 2017. Pursuant to the power of

this Court to award fees to a prevailing party other than the United States incurred by that

party in a civil action against the United States, including proceedings for judicial review

of agency action, under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d),

IT IS HEREBY ORDERED that the Defendant pay $11,770.31 in attorney fees

in full satisfaction of any and all claims Plaintiff may have in this case under the Equal

Access to Justice Act.

Pursuant to the United States Supreme Court's ruling in *Astrue v. Ratliff*, 560 U.S.

586, 130 S. Ct. 1251 (2010), these attorney fees are payable to Plaintiff as the prevailing

party and are subject to offset through the Treasury Department's Offset Program to satisfy

any preexisting debt Plaintiff may owe to the United States Government. If, subsequent to the entry of this Order, the Commissioner determines that Plaintiff owes no debt to the United States that would subject this award of attorney's fees to offset, the Commissioner may honor Plaintiff's assignment of EAJA fees providing for payment of the subject fees to Plaintiff's counsel, rather than to Plaintiff. If, however, Plaintiff is discovered to owe the government any debt subject to offset, the Commissioner shall pay any attorney fees remaining after such offset to Plaintiff rather than to counsel. Should this occur, any remaining fees made payable to Plaintiff shall be sent to her counsel.

SO ORDERED.

Signed: December 11, 2017

Graham C. Mullen
United States District Judge